



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4950 OF 2022

Kalavathy

... Petitioner

Vs.

1. The District Collector,
No.62, Rajaji Salai,
Singaravelar Maligai,
Collectorate,
Chennai 600 021.

2. The Tahsildar,
Thandayarpet Taluk,
Chennai 600 081.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to transfer the Patta in favour of the petitioner in respect of the property situated at No.25 (Old No.11), Parthasarathy Pillai Street, Old Washermenpet, Chennai-21, bearing Survey No.1973 part and R.S.No.1973/16 bounded by, East by: Shajatha Bils Property, West by: Abdul Hader property, North by: Parthasarathy Pillai Street and South by: Mannaiah Naidu House measuring to an extent of 800 sq.ft. and for the peaceful enjoyment of the same based on the petitioner application dated 04.03.2021.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.G.Nanmaran
Special Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent to transfer the Patta in favour of the petitioner in respect of the property situated at No.25 (Old No.11), Parthasarathy Pillai Street, Old Washermenpet, Chennai-21, bearing Survey No.1973 part and R.S.No.1973/16 bounded by, East by: Shajatha Bils Property, West by: Abdul Hader property, North by: Parthasarathy Pillai Street and South by: Mannaiah Naidu House, measuring an extent of 800 sq.ft. and for the peaceful enjoyment of the same based on the petitioner's application dated 04.03.2021.

2. The case of the petitioner is that the property originally belongs to Nallammal @ Mallammal. The said Nallammal executed a settlement deed in favour of one Dilli under a settlement deed dated 02.05.1981, vide Document No.745 of 1981. The said Dilli is an illiterate and visually impaired person, who had let the said property for rent to one Govindasamy and the said Dilli has been residing in a portion of property thereon. Thereafter, taking advantage of the illiteracy and disablement, the said Govindasamy had obtained the sale deed on 19.02.1987, vide Document No.303 of 1987 from the said Dilli, forcibly in a cunning manner. Therefore, the said Dilli had filed a Suit in O.S.No.7649 of 1991 before the IV Assistant Judge, City Civil Court, Chennai against the said Govindasamy for the relief of declaration that the sale deed is null and void, and for permanent injunction not to interfere with peaceful possession and also for recovery of possession. The said Suit was dismissed by the trial Court by judgment and decree dated 21.11.2003.

2.1. Aggrieved by the said judgment and decree, the said Dilli preferred a Pauper Appeal in Pauper A.S.No.382 of 2006 before the II Assistant Judge, City Civil Court, Chennai and the same was allowed and the Suit was decreed in entirety by the Lower Appellate Court on 22.01.2007 and the said Govindasamy was directed to deliver the vacant possession of the property, against which S.A.No.1296 of 2007 was filed before this Court and the same was also dismissed for default on 22.11.2018. When such being the case, the said Dilli had filed an Execution Petition in E.P.No.1214 of 2019 in O.S.No.7649 of 1991 for delivery of possession and accordingly, delivery was also recorded by the Bailiff on 19.12.2019 and vacant possession was delivered to the said Dilli. Thereafter, the petitioner has purchased the said property from the said Dilli on 04.02.2021 in Document No.336/2021 on the file of Sub Registrar Office, Royapuram, and the petitioner was put in possession and enjoyment of the property on the same day. The petitioner has



made an application dated 04.03.2021 before the second respondent, requesting to transfer the Patta in the name of the petitioner in respect of the said property. Further, the petitioner has made a detailed representation dated 14.10.2021 before the first respondent by enclosing all the documents including judgment and decree made in the Second Appeal and the delivery order of the competent Civil Court and requested the first respondent to take appropriate steps to transfer the Patta in the name of the petitioner. However, till date, no order has been passed. Hence, the present Writ Petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's application dated 04.03.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. Mr.G.Nanmaran, the learned Special Government Pleader has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent/Tahsildar to consider the petitioner's application dated 04.03.2021 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner and also the aggrieved person, if any.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

jd/skt

To

1. The District Collector,
No.62, Rajaji Salai,
Singaravelar Maligai,
Collectorate,
Chennai 600 021.



2. The Tahsildar,
Thandayarpur Taluk,
Chennai 600 081.

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.14683

+1cc to the Government Pleader, S.R.No.15526

W.P.No.4950 of 2022

MT (CO)
RLP (28/03/2022)